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TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENTDocket Number (Optional)
70254-0346

In re Application of: Wayne J. Myer & Blaine M. Kelley

Application No.: 10/063,165

Filed: March 28, 2002

For: Apparatus for Making a Computation-Free Foam

The owner*, Dan Container Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. US 6,429,297. The owner hereby agrees that any patent so granted on the instant application shall be unenforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

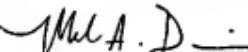
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer. In the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is released, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record.



Signature

Date

Mark A. Davis, Reg. No. 37,318

Typed or printed name

(816) 742-3500

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/95 may be used for making this certification. See MPEP § 324.

The collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)
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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110)

Complete if Known

Application Number	10/083,185
Filing Date	March 28, 2002
First Named Inventor	Wayne J. Myer
Examiner Name	Emmanuel S. Luk
Art Unit	1722
Attorney Docket No.	70254-0346

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account

Deposit Account Number	50-2003
Deposit Account Name	McGarry Bair PC

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Change any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee	Fee	Fee Description	Fee Paid
Code (S)	Code (S)	Fee	Fee	Code (S)	
1001	770	2001	385	Utility Filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	585	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
				Subtotal (1)	(\$ 5)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent	Extra Claims	Fee from Table	Fee Paid
		- 20 -	x	
		- 3 -	x	

Large Entity	Small Entity	Fee	Fee	Fee Description	Fee Paid
Code (S)	Code (S)	Fee	Fee	Code (S)	
1202	18	2202	0	Claims in excess of 20	
1201	95	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	Reissue independent claims over original patent	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	
				Subtotal (2)	(\$ 5)

*or number previously paid, if greater. For Reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity - Small Entity

Fee	Fee	Fee	Fee	Fee Description	Fee Paid
Code (S)					
1051	130	2051	85	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1012	2,520	1012	2,520	For filing a request for ex parte reexamination	
1004	920*	1004	820*	Requesting publication of SIR prior to Examiner action	
1005	1,840*	1005	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	210	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1256	2,010	2256	1,005	Extension for reply within fifth month	
1401	330	2491	165	Notice of Appeal	
1402	330	2492	165	Filing a brief in support of an appeal	
1403	290	2493	145	Request for oral hearing	
1451	1,510	1451	510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1533	1,330	2453	655	Petition to revive - unrenivable	
1501	1,330	2501	665	Utility issue fee (or release)	
1502	480	2502	240	Design issue fee	
1503	840	2603	320	Plant issue fee	
1460	130	1460	130	Petition to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	150	1808	150	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	365	Filing a submission after final rejection (37 CFR 1.129(a)(2))	
1810	770	2810	365	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	365	Request for Continued Examination (RCE)	
1802	800	1902	900	Request for expedited examination of a design application	
				Other fee (specify)	1814 - Statutory Disclaimer
				Reduced by Basic Filing Fee Paid	SUBTOTAL (3) (\$ 110.00)

(Complete if Known)

SUBMITTED BY	Mark A. Davis	Registration No /Attorney/Agent	37,118	Telephone (616) 742-3500
Name (First/Middle)	Mark A. Davis			Date 6/2/2004
Signature				

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